

BILL NO. 92-05-10

GENERAL ORDINANCE NO. G-28-92

AN ORDINANCE REPEALING  
THE PROHIBITION AGAINST  
PLEDGING REVENUE FROM THE  
COUNTY OPTION INCOME TAX  
(C.O.I.T.).

WHEREAS, in 1989, the Common Council adopted an Ordinance No. G-16-89, which prohibits the pledging of revenue from the County Option Income Tax (C.O.I.T.);

WHEREAS, a need now exists to borrow money to complete certain neighborhood capital improvement projects;

WHEREAS, Ordinance No. G-16-89 could be interpreted as prohibiting the use of future C.O.I.T. revenues to repay any such borrowing;

WHEREAS, to avoid any confusion, Ordinance No. G-16-89 should be repealed.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. City of Fort Wayne Ordinance No. G-16-89, a copy of which is attached hereto as Exhibit "A," is hereby repealed.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Charles R. Edwards  
Council Member

APPROVED AS TO FORM  
AND LEGALITY

J. Timothy McCauley  
J. Timothy McCauley, City Attorney

1 Bill No. G-89- 06-17

21-16-89

3 GENERAL ORDINANCE NO. G-89-\_\_\_\_\_

4 AN ORDINANCE PROHIBITING THE CITY OF FORT WAYNE  
5 FROM PLEDGING REVENUE FROM THE COUNTY OPTION  
6 INCOME TAX (C.O.I.T.) FOR A BOND ISSUE

7 WHEREAS, the Common Council of the City of Fort  
8 Wayne upon the initiation of the Mayor of the City of Fort  
9 Wayne, and as a member of the County Income Tax Council,  
10 recently proposed an ordinance to the County Income Tax  
11 Council establishing for the first time, a County Option  
12 Income Tax (C.O.I.T.); all pursuant to the terms of Indiana  
13 Code §6-3.5-6-1, et seq.; and

14 WHEREAS, within the context of said statute, a  
15 County Income Tax Council is established for each County in  
16 the State of Indiana, the membership of which consists of  
17 the fiscal body of the County, and the fiscal body of each  
18 city or town that lies either partially or entirely within  
19 the County; and

20 WHEREAS, utilizing procedures described in said  
21 chapter of the Indiana Code, a County Income Tax Council may  
22 adopt ordinances to, impose the County Option Income Tax  
23 Council in its County, rescind the County Option Income Tax  
24 in its County, increase the County Option Income Tax for the  
25 County, freeze the County Income Tax for its County, or  
26 increase the homestead credit in its County; and

27 WHEREAS, by the terms of Indiana Code §6-3.5-6-12  
28 the County Option Income Tax imposed by the County Income  
29 Tax Council under that chapter of the Indiana Code remains  
30 in effect until rescinded; and

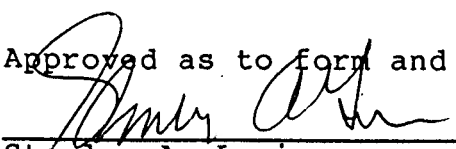
31 WHEREAS, pursuant to the terms of Indiana Code  
32 §6-3.5-6-12, the County Income Tax Council of a County may  
rescind the County Option Income Tax by passing an ordinance  
to rescind the tax after January 1st but before June 1st of  
the year; and

1 County Option Income Tax for any purposes permitted by I.C.  
2 §5-1-14, or any other statute.

3 Section 2.. That this ordinance shall be in full  
4 force and effect from and after its passage and signing by  
5 the Mayor.

6  
7 Councilmember

8 Approved as to form and legality:

9   
10 Stanley A. Levine  
11 Legal Advisor to the City of Fort Wayne  
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Read the first time in full and on motion by Schmidt, seconded by Edmonds, and duly adopted, read the second time by title and referred to the Committee on \_\_\_\_\_ (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATED: 5.26 92

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Schmidt, seconded by \_\_\_\_\_, and duly adopted, placed on its passage. PASSED LOST by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>4</u>	<u>2</u>		<u>1</u>
BRADBURY				<u>✓</u>
EDMONDS	<u>✓</u>			
GiaQUINTA	<u>✓</u>			
HENRY	<u>✓</u>			
LONG		<u>✓</u>		
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT		<u>✓</u>		
TALARICO	<u>✓</u>			

DATED: 6-9-92

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. 9-28-92  
on the 9th day of June, 19 92

ATTEST:

(SEAL)

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Thomas P. Henry  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of June, 19 92, at the hour of 11:30 o'clock A. M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 11th day of June, 19 92, at the hour of 4:0 o'clock P. M., E.S.T.

11/6/66  
PAUL HELMKE, MAYOR

DIGEST SHEET

TITLE OF ORDINANCE GENERAL ORDINANCE

DEPARTMENT REQUESTING ORDINANCE MAYOR'S OFFICE

SYNOPSIS OF ORDINANCE REPEALS PROHIBITION AGAINST PLEDGING FUTURE  
C.O.I.T. REVENUES.

*B-92-05-10*

EFFECT OF PASSAGE FUTURE C.O.I.T. REVENUES COULD BE PLEDGED ON A  
CASE-BY-CASE BASIS.

EFFECT OF NON-PASSAGE NO DIRECT FISCAL IMPACT.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) \$1.1 MILLION

ASSIGNED TO COMMITTEE (PRESIDENT) \_\_\_\_\_

BILL NO. G-92-05-10

REPORT OF THE COMMITTEE ON  
THE COMMITTEE OF THE WHOLE

DONALD J. SCHMIDT, CHAIR  
CLETUS R. EDMONDS, VICE CHAIR  
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON THE COMMITTEE OF THE WHOLE TO WHOM WAS  
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) REPEALING THE  
PROHIBITION AGAINST PLEDGING REVENUE FROM THE COUNTY OPTION  
INCOME TAX (C.O.I.T)

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

Sam J. Toland

OSD  
Richard Jones  
John E. Long  
Glenn Gagnier  
Mark Long  
Mark C. Schmitt  
C R Edmonds

DATED: 6-9-92

Sandra E. Kennedy  
City Clerk